

**House File 58 - Introduced**

HOUSE FILE 58  
BY WINDSCHITL

**A BILL FOR**

1 An Act relating to child support obligations and neglect or  
2 abandonment of a child based on nonsupport, and providing  
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.21B, subsection 1, paragraph c, Code  
2 2013, is amended to read as follows:

3 c. It is the intent of the general assembly that, to  
4 the extent possible within the requirements of federal law,  
5 the court and the child support recovery unit consider the  
6 individual facts of each judgment or case in the application  
7 of the guidelines and determine the support obligation  
8 accordingly. It is also the intent of the general assembly  
9 that in the supreme court's review of the guidelines, the  
10 supreme court shall do ~~both~~ all of the following:

11 (1) Emphasize the ability of a court to apply the guidelines  
12 in a just and appropriate manner based upon the individual  
13 facts of a judgment or case.

14 (2) In determining monthly child support payments, consider  
15 other children for whom either parent is legally responsible  
16 for support and other child support obligations actually paid  
17 by either party pursuant to a court or administrative order.

18 (3) Unless otherwise provided in subsection 2, establish a  
19 minimum monthly child support payment of one hundred dollars.

20 Sec. 2. Section 726.3, Code 2013, is amended to read as  
21 follows:

22 **726.3 Neglect or abandonment of a dependent person.**

23 1. A person who is the father, mother, or some other person  
24 having custody of a child, or of any other person who by  
25 reason of mental or physical disability is not able to care  
26 for the person's self, who knowingly or recklessly exposes  
27 such person to a hazard or danger against which such person  
28 cannot reasonably be expected to protect such person's self or  
29 who deserts or abandons such person, knowing or having reason  
30 to believe that the person will be exposed to such hazard or  
31 danger, commits a class "C" felony. However, a parent or  
32 person authorized by the parent shall not be prosecuted for a  
33 violation of this section involving abandonment of a newborn  
34 infant, if the parent or the person authorized by the parent  
35 has voluntarily released custody of the newborn infant in

1 accordance with section 233.2.

2 2. Notwithstanding the amount specified in section 726.5, a  
3 person who commits nonsupport pursuant to section 726.5 in an  
4 amount greater than two thousand dollars commits abandonment.  
5 A person who commits abandonment under this subsection is  
6 guilty of an aggravated misdemeanor.

7 3. Notwithstanding the amount specified in section 726.5, a  
8 person who commits nonsupport pursuant to section 726.5 in an  
9 amount greater than ten thousand dollars commits neglect. A  
10 person who commits neglect under this subsection is guilty of a  
11 class "C" felony.

12 EXPLANATION

13 This bill relates to child support obligations.

14 The bill provides that it is the intent of the general  
15 assembly that the minimum monthly child support payment be  
16 established at \$100, unless it is unjust or inappropriate or  
17 unless the parent is 19 years of age or younger and other  
18 special circumstances apply.

19 Current law provides, in Code section 726.5, that a person  
20 who commits nonsupport of a child or ward by failing or  
21 refusing to provide for the person's child or ward under 18  
22 years of age for a period longer than one year or in an amount  
23 greater than \$5,000, is guilty of a class "D" felony. The bill  
24 provides that a person who commits nonsupport of a child or a  
25 ward in an amount greater than \$2,000 commits abandonment. A  
26 person who commits abandonment as specified under the bill is  
27 guilty of an aggravated misdemeanor.

28 The bill also provides that a person who commits nonsupport  
29 of a child or ward in an amount greater than \$10,000 commits  
30 neglect. A person who commits neglect as specified under the  
31 bill is guilty of a class "C" felony.

32 An aggravated misdemeanor is punishable by confinement for  
33 no more than two years and a fine of at least \$625 but not more  
34 than \$6,250.

35 A class "C" felony is punishable by confinement for no more

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1 than 10 years and a fine of at least \$1,000 but not more than  
2 \$10,000.